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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,441	11/30/2006	Volkmar Offermann	284853US6PCT	5007
22850 7590 03/26/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PAYNE, SHARON E	
			ART UNIT 2875	PAPER NUMBER
			NOTIFICATION DATE 03/26/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/567,441	Applicant(s) OFFERMANN ET AL.	
	Examiner SHARON E. PAYNE	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0206</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18, 19 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by West et al. (U.S. Patent 6,974,229).

Regarding claim 18, West et al. discloses plural luminous elements configured to be separately electrically connected next to one another (36), in different parts of the surface, so as to obtain different luminous effects (Fig. 3); and at least one separate luminous element provided with an enhanced luminous power relative to luminosity of the surface and with a light emission that is directed (Fig. 6).

Concerning claim 19, West et al. discloses in a region of the at least one separate luminous element and in its direction of emission, an optical device configured to concentrate and/or to orient the light emitted by the separate luminous element (Fig. 3, top).

Regarding claim 27, West et al. discloses the direction of emission of the light from the separate luminous element deviates from the normal to the plane of the fiat luminous element (Figs. 3 and 6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-22, 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. in view of Golle et al. (U.S. Patent 2004/0114349 A1).

Regarding claim 20, West et al. discloses the luminous element is a layered element in between two substrates (Fig. 3). West et al. does not disclose a transparent substrate.

Golle et al. discloses at least one substrate of which is transparent to the light emitted by the luminous element (paragraph 0027).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Golle et al. in the apparatus of West et al. to inform a viewer. See Fig. 2 of Golle et al.

Concerning claim 21, West et al. does not disclose the optical device on the transparent substrate. Golle et al. discloses the optical device being disposed on the substrate that is transparent to the light from the separate luminous element (opaque layer, paragraph 0027).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Golle et al. in the apparatus of West et al. to inform a viewer. See Fig. 2 of Golle et al.

Regarding claim 22, West et al. does not disclose the optic device as a plane lens. Golle et al. discloses the optical device as a plane lens (paragraph 0027, Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Golle et al. in the apparatus of West et al. to inform a viewer. See Fig. 2 of Golle et al.

Concerning claim 26, West et al. does not disclose a transparent substrate. Golle et al. discloses at least a part of the light emitted by the separate luminous element is guided inside the substrate that is transparent to the light emitted by the separate luminous element, acting as a light waveguide, and is emitted elsewhere well away from the luminous element (paragraph 0026).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Golle et al. in the apparatus of West et al. to inform a viewer. See Fig. 2 of Golle et al.

Regarding claim 31, West et al. does not disclose an opaque coating. Golle et al. discloses in a region of the surface of the separate luminous element, an opaque coating, along which the exiting light is deviated by the optical device (paragraph 0027).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Golle et al. in the apparatus of West et al. to inform a viewer. See Fig. 2 of Golle et al.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. in view of Tai (U.S. Patent 5,854,872).

Regarding claim 23, West et al. does not disclose a holographic element. Tai discloses the optical device is a holographic element, in a form of a film with microprisms, that is transparent to the emitted light but that deviates the emitted light (column 12, lines 10-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Tai in the apparatus of West et al. to make the apparatus more efficient in its use of light (abstract of Tai).

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. in view of Macher et al. (U.S. Patent 6,641,276).

Regarding claim 24, West et al. does not disclose a transparent plane mirror. Macher et al. discloses the optical device being a plane mirror that is transparent to the emitted light but that deviates the emitted light (column 2, lines 40-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Macher et al. in the apparatus of West et al. to light the interior of a motor vehicle (abstract of Macher et al.).

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. in view of West et al. Prior Art.

Regarding claim 25, West et al. does not disclose the optical device being directly on the luminous element. West et al. Prior Art discloses the optical device being disposed directly onto the luminous element (Fig. 1, Prior Art, West et al.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of West et al. Prior Art in the apparatus of West et al. to enhance the brightness of the luminous element. (See West et al., Fig. 1, Prior Art).

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. in view of Central Glass (JP 05330381 A).

Regarding claim 28, West et al. does not disclose an antireflection layer. Central Glass discloses an antireflection layer provided at least at a place of exit of a light ray from the separate luminous element (abstract, Figs. 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Central Glass in the apparatus of West

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et al. to keep a driver driving behind the car from being dazzled by stray light. See the English abstract of Central Glass.

9. Claims 29, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. in view of Suman (U.S. Patent 5,223,814).

Regarding claim 29, West et al. does not disclose a switch. Suman discloses at least one switching element for connecting and/or disconnecting the at least one separate luminous element (column 4, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Suman in the apparatus of West et al to enable a user to turn the light on and off. See column 4, lines 45-55, of Suman.

Concerning claim 30, West et al. does not disclose a switch. Suman disclose a touch detector associated with one surface of the luminous element (column 4, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Suman with a surface of the flat luminous element of West et al. to enable a user to turn the light on and off. See column 4, lines 45-55, of Suman.

Regarding claim 32, West et al. does not disclose the flat illuminator being for an interior of the vehicle. Suman discloses illumination for an interior equipment of a vehicle (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Suman et al. in the apparatus of West et al. to illuminate the interior of a vehicle. See Fig. 1 of Suman et al.

10. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. in view of Suman as applied to claim 32 and further in view of Anderson, Jr. et al. (U.S. Patent 6,464,381).

Regarding claim 33, West et al. and Suman do not disclose a roofing substrate. Anderson, Jr. et al. discloses the flat luminous element forming a roofing substrate or element of a vehicle (Figs. 14 and 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Anderson, Jr. et al. in the apparatus of West et al. and Suman to provide dome lighting in the vehicle.

11. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. in view of Sloan et al. (U.S. Patent 6,969,179).

Regarding claim 34, West et al. does not disclose the apparatus being used on a building. Sloan et al. discloses the luminous element equipping a building (Fig. 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Sloan et al. in the apparatus of West et al. to decorate a building.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHARON E. PAYNE whose telephone number is (571)272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharon E. Payne/
Primary Examiner, Art Unit 2875

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